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**STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF PUBLIC HEALTH**

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IN RE: **CHINA LAKE NAVAL AIR WEAPONS STATION WATER SYSTEM**
Water System No. 1510703

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TO: Michael Stoner, GW Program Manager
China Lake Naval Air Weapons Station
Environmental Planning & Management Code N45NCW
429 E. Bowen Road Mail Stop 4014
China Lake, CA 93555

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BY CERTIFIED MAIL

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**CITATION FOR NONCOMPLIANCE - WATER SYSTEM NO. 1510703
TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL VIOLATION
August 2013**

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Citation No. 03-19-13C-049

Issued on November 18, 2013

STATEMENT OF FACTS

China Lake Naval Air Weapons Station (NAWS) Water System (hereinafter Water System) is classified as a community Water System and serves a population of approximately 4300 persons through 1380 service connections. The service area of the Water System consists of housing, commercial, and industrial areas. Domestic water is supplied to seven separate systems by thirteen groundwater wells. Each of the isolated systems are multiple miles apart from each other, and, therefore, are not interconnected. Continuous chlorination treatment for disinfection is provided at each system. Two systems receive arsenic removal treatment, via adsorption, for arsenic MCL compliance. Throughout the systems, there are 24 domestic water storage

1 reservoirs. The Water System operates under the authority of a domestic water supply
2 permit (No. 03-19-13P-002), issued on March 8, 2013, by the California Department
3 of Public Health.

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5 The Southern California Drinking Water Field Operations Branch, Division of
6 Drinking Water and Environmental Management, California Department of Public
7 Health (hereinafter "Department") is responsible for enforcing the Safe Drinking
8 Water Act and regulations promulgated pursuant thereto.

- 9 • The Water System is required to collect a minimum of 12 distribution system
10 bacteriological samples per month.
- 11 • Three (3) routine samples collected on August 13, 2013, from the distribution
12 system tested positive for total coliform bacteria.
- 13 • Nine (9) repeat samples collected on August 20, 2013, from the distribution
14 system, tested negative for total coliform bacteria.
- 15 • One (1) repeat sample (also counted towards the Ground Water Rule's trigger
16 source sampling requirement), also collected on August 20, 2013, from Well
17 28, tested negative for total coliform bacteria.
- 18 • None of the total coliform positive samples from the distribution system or
19 Well #28, tested positive for *E.coli* bacteria.
- 20 • **China Lake Naval Air Weapons Station Water System failed the total**
21 **coliform maximum contaminant level (MCL) for August 2013 [Section**
22 **64426.1(b)(2) *Authorities*].**
- 23 • **The Water System also failed to collect repeat samples within 24 hours of**
24 **determination of the initial total coliform positive sample [Section**
25 **64424(a) *Authorities*].**
- 26
- 27

- 1 • On August 20, 2013, Michael Stoner, Groundwater Program Manager of the
2 NAWS, notified the Department that the Water System failed the total coliform
3 maximum contaminant level (MCL) for the month of August 2013.
- 4 • On September 3, 2013, a Tier 2 public notice was prepared by the Water
5 System and approved by the Department. On August 30, 2013, a Proof of
6 Notification was emailed to the Water System for the August 2013 total
7 coliform MCL failure.
- 8 • On September 26, 2013, the Department received signed and dated copies of
9 the public notice and Proof of Notification. According to these documents,
10 public notification was completed on September 5, 2013.
- 11 • On August 30, 2013, an investigation report was emailed to the Water System
12 for the August 2013 total coliform MCL failure.
- 13 • On October 8, 2013, the Department received a completed copy of the
14 investigation report in response to the August 2013 total coliform MCL failure.
- 15 • The investigation report identified sampling and/or laboratory contamination as
16 possible sources of bacteriological contamination in August 2013.
- 17 • Fourteen (14) routine bacteriological quality samples collected on September
18 17, 2013, and September 18, 2013 from the distribution system, tested negative
19 for total coliform bacteria.
- 20 • Fourteen (14) routine bacteriological quality samples collected in October
21 2013, from the distribution system, tested negative for total coliform bacteria.
- 22 • A summary of results of all bacteriological samples collected from January
23 2013 to October 2013 is provided under **Attachment A**.
- 24 • A review of the Department's records indicates that the Water System has not
25 been collecting quarterly raw water bacteriological quality samples from the
26 wells. **Attachment A** shows that only two bacteriological samples from well
27 #28 were collected in 2013. The Water System has 13 active wells. The Water

System's 2013 domestic water supply permit specifies quarterly bacteriological monitoring of the wells.

AUTHORITIES

Section 116577 of the CHSC, states in relevant part:

"(a) Each public water system shall reimburse the department for the actual costs incurred by the department for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...

(b) The department shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the department. The costs set forth in the invoice shall not exceed the total actual costs to the department of the enforcement activities specified in this section."...

Section 116650 of the California Health and Safety Code (hereinafter CHSC), states in relevant part:

"(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by registered mail.

(b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.

(c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the department may assess a civil penalty as specified in subdivision (e).

(d) For a noncontinuing violation of primary drinking standards, the department may assess in the citation a civil penalty as specified in subdivision (e).

(e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The department shall specify the classification in the citation and may assess civil penalties for each classification as follows:

(1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.

(2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.

(3) For failure to comply with any citation or order issued for noncompliance with any department regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation."

Section 116655 of the CHSC, states in relevant part:

"(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

- (1) Directing compliance forthwith.

- (2) Directing compliance in accordance with a time schedule set by the department.
- (3) Directing that appropriate preventative action be taken in the case of a threatened violation.
- (b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:
- (2) That purification or treatment works be installed."

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

"(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Department or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system which collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Department by the end of the business day on which this is determined, unless the determination occurs after the Department office is closed, in which case the supplier shall notify the Department within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1."

§64424. Repeat Sampling.

(a) If a routine sample is total coliform-positive, the water supplier shall collect a repeat sample set as described in paragraph (a)(1) within 24 hours of being notified of the positive result. The repeat samples shall all be collected within the same 24 hour time period. A single service connection system may request that the Department allow the collection of the repeat sample set over a four-day period.

(1) For a water supplier that normally collects more than one routine sample a month, a repeat sample set shall be at least three samples for each total coliform-positive sample. For a water supplier that normally collects one or fewer samples per month, a repeat sample set shall be at least four samples for each total coliform-positive sample.

(2) If the water supplier is unable to collect the samples within the 24-hour time period specified in subsection (a) or deliver the samples to the laboratory within 24 hours after collection because of circumstances beyond its control, the water supplier shall notify the Department within 24 hours. The Department will then determine how much time the supplier will have to collect the repeat samples.

DETERMINATIONS

Based upon the above Statement of Facts and Authorities, the Department determines that the China Lake Naval Air Weapons Station Water System has violated the following:

1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated the total coliform MCL for August 2013 when more than one sample collected in August 2013 tested positive for total coliform bacteria.
2. CCR, Title 22, Section 64424(a); Specifically, during the month of August 2013, the Water System failed to collect repeat samples within 24 hours of being notified of the positive results.

The above violations are classified as non-continuing violations.

DIRECTIVES

China Lake Naval Air Weapons Station Water System is hereby directed to take the following actions:

1. Cease and desist from failing to comply with Section 116555(a) of the California Health and Safety Code (CHSC) and Sections 64426.1(b)(2) and 64424(a) of Title 22, California Code of Regulations (CCR).
2. The Water System shall conduct monthly sampling of the raw well water for coliform bacteria. The raw water samples must be collected at a location ahead of chlorination and shall be analyzed for total and fecal coliform or *E.coli* bacteria using a density analytical method with the analytical results reported in MPN/100 ml. The results of all source samples shall be submitted to the Department by the 10th day of the following month. Raw source water sampling is required by the Permit Provision No. 28 of the Water System's 2013 domestic water supply permit (No. 03-19-13P-002), issued on March 8, 2013. It is noted that the Water System is not complying with this permit provision.
3. The Water System shall reimburse the Department, in accordance with an invoice that shall be provided to the Water System, the costs for enforcement activities, and such reimbursement shall be made prior to September 1 (or by a different date if specified by the Department) of the fiscal year following the fiscal year in which such costs are incurred as described in CHSC Section 116577(a)(1-2) and 116577(b).

FURTHER ENFORCEMENT ACTIONS

Section 116270, Chapter 4, Part 12, Division 104 of the CHSC authorizes the Department to: issue additional citations with assessment of penalties if a public water system continues to fail or correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with orders of the Department; and petition the superior court to take various enforcement measures

1 against a public water system that has failed to comply with orders of the Department.
2 The Department does not waive any further enforcement action by issuance of this
3 citation.

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5 **PARTIES BOUND**

6 This citation shall apply to and be binding upon China Lake Naval Air Weapons
7 Station Water System, its officers, directors, agents, employees, contractors,
8 successors, and assignees.

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10 **SEVERABILITY**

11 The directives of this citation are severable, and China Lake Naval Air Weapons
12 Station Water System shall comply with each and every provision thereof,
13 notwithstanding the effectiveness of any other provision.

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15 **CIVIL PENALTIES**

16 Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a
17 civil penalty for failure to comply with the requirements of the Safe Drinking Water
18 Act. Failure to comply with any provision of this Citation may result in the
19 Department imposing an administrative penalty of not less than \$200 (two hundred
20 dollars) per day as of the date of violation of any provision of this Citation.

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Date

24 _____
Jaswinder S. Dhaliwal, P.E.
25 Senior Sanitary Engineer
26 Drinking Water Field Operations Branch
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ATTACHMENT

Attachment A: Summary of Bacteriological Samples Collected from January 2013 through October 2013.

Cc: Kern County Environmental Health Services Department (w/o attachment)

Attachment A

China Lake Naval Air Weapons Station

1510703

Distribution System Freq: 12/M

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>CI2</i>	<i>Violation</i>	<i>Comment</i>
1/1/2013		13 Samples	A	A		Routine	0.12 - 0.61		
1/1/2013	12:25	Hangar 5	P	A		Routine	0.51		
1/18/2013	12:41	Fuel Farm (Up)	A	A		Repeat	0.15		
1/18/2013	12:41	Hangar 5 (Repeat)	A	A		Repeat	0.18		
1/18/2013	12:41	Hanger 3 (Down)	A	A		Repeat	0.21		
2/1/2013		14 Samples	A	A		Routine	0.08 - 0.79		
3/1/2013		14 Samples	A	A		Routine	0.15 - 0.60		
4/1/2013		14 Samples	A	A		Routine	0.23 - 0.36		
5/1/2013		14 Samples	A	A		Routine	0.23 - 0.36		
6/1/2013		14 Samples	A	A		Routine	0.19 - 0.55		
7/1/2013		14 Samples	A	A		Routine	0.21 - 0.49		
8/1/2013		11 Samples	A	A		Routine	.4 - .76		
8/13/2013	10:10	SkyTop Tank	P	A		Routine			
8/13/2013	11:30	Snort	P	A		Routine		MCL	Cit 03-19-13C-049 Pending
8/13/2013	12:05	Hangar 3	P	A		Routine			
8/20/2013		9 Repeat Samples	A	A		Routine	0.4 - 0.76		
9/1/2013		14 Samples	A	A		Routine	0.21 - 0.74		
10/1/2013		14 Samples	A	A		Routine	0.20 - 0.61		

China Lake Naval Air Weapons Station

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Source Monitoring Freq:

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
1/18/2013	12:41	Well 28 Repeat	A	A			
8/20/2013	9:40	Well 28	A	A			
